

State of Wisconsin
2011 - 2012 LEGISLATURE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to amend* 101.12 (1) (c), 101.19 (1) (b), 101.981 (1) (c) and 895.525 (2);
2 and *to create* 101.19 (1) (bm), 167.33 and 895.526 of the statutes; **relating to:**
3 duties of ski area operators and participants in snow sports, liability of ski area
4 operators, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 101.12 (1) (c) of the statutes is amended to read:
6 101.12 (1) (c) Elevators, escalators, ~~ski lift and towing devices~~ ski lifts, as
7 defined in s. 167.33 (1) (k), and power dumbwaiters.
8 **SECTION 2.** 101.19 (1) (b) of the statutes is amended to read:
9 101.19 (1) (b) The required inspection of boilers, pressure vessels, refrigeration
10 plants, liquefied petroleum gas vessels, anhydrous ammonia tanks and containers,

1 ~~ski lift and towing devices~~, escalators, dumbwaiters, and amusement or thrill rides
2 but not of amusement attractions.

3 **SECTION 3.** 101.19 (1) (bm) of the statutes is created to read:

4 101.19 (1) (bm) The inspection by the department of ski lifts, as defined in s.
5 167.33 (1) (k).

6 **SECTION 4.** 101.981 (1) (c) of the statutes, as affected by 2011 Wisconsin Act 32,
7 is amended to read:

8 101.981 (1) (c) AConveyance@ means an elevator, an escalator, a dumbwaiter,
9 a belt manlift, a moving walkway, a platform lift, and a stairway chair lift, and any
10 other similar device, such as an automated people mover, used to elevate or move
11 people or things, as provided in the rules of the department. AConveyance@ does not
12 include a personnel hoist; a material hoist; a grain elevator; a ski lift ~~or towing device~~
13 as defined in s. 167.33 (1) (k); an amusement or thrill ride; or a vertical platform lift,
14 inclined platform lift, or a stairway chair lift that serves an individual residential
15 dwelling unit.

16 **SECTION 5.** 167.33 of the statutes is created to read:

17 **167.33 Snow sports. (1) DEFINITIONS.** In this section:

18 (a) "Affiliate" means:

- 19 1. With respect to a partnership, each partner thereof.
20 2. With respect to a limited liability company, each member thereof.
21 3. With respect to a corporation, each officer, director, principal stockholder,
22 and controlling member thereof.

23 (b) "Competition" means any event authorized by a ski area operator, or by an
24 agent of a ski area operator, that involves a comparison of skills used in one or more
25 snow sports. "Competition" includes training sessions for such an event.

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1 (c) "Freestyling" means mogul jumping, mogul skiing, ski jumping, aerial skiing, ski cross,
2 ski ballet, and any other similar snow sport.

(d) "Freestyle Terrain" means terrain that includes, but is not limited to, terrain parks and terrain
park features such as rails, boxes, jumps, hits, jibs, tabletops, spines, take-off ramps, landings, banks, half-
pipes, picnic tables, logs, pipes, snow cross terrain and features and other constructed or natural features but
does not include moguls bumps or rollers or jumps not build by the ski area operator unless they are within
the designated terrain park area.

3 (e) "Hazard" means any man-made or natural obstacle or hazard. "Hazard"
4 includes ridges, sharp corners, jumps, bumps, moguls, terrain features, snow conditions,
5 valleys, dips, cliffs, ravines, slush, and bodies of water.

6 (f) "Participant" in a snow sport means an individual who is engaged in a snow
7 sport or who is walking or otherwise traveling within a ski area for purposes of
8 engaging in the sport. "Participant" in a snow sport also means an individual who
9 is present at a ski area to observe others engaged in a snow sport or who is a
10 passenger on a ski lift. "Participant" in a snow sport includes individuals that
11 are employees of a ski area operator, who are outside the scope of their employment.

12 (g) "Ski area" means trails, terrains, and other areas that are used by
13 individuals engaged in snow sports and that is administered as a single enterprise
14 by a ski area operator.

15 (h) "Ski area infrastructure" means ski lifts and any associated components,
16 snowmaking equipment and any associated components, and buildings, utility infrastructure,
17 huts, fences, signs, lift mazes, or other structures located within a ski area.

18 (i) "Ski area operator" means a person that owns or is responsible for operating
19 a ski area or its affiliates. "Ski area operator" includes the employees and agents of
20 a ski area operator.

21 ^{snow grooming} (j) "Ski area vehicle" means a motorized vehicle or machine used in the
22 operation and maintenance of a ski area or used as transportation within a ski area.

23 (k) "Skiing" means downhill and alpine skiing, nordic skiing, cross-country skiing, telemarking,
or
24 snowshoeing. Skiing also includes sledding, tobogganing, ski skaters, ski bikes, and the use of
25 other comparable devices.

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1 (L) "Ski lift" means any aerial tramway or lift, a surface lift, a tow, or a conveyor
2 used by a ski area operator to transport participants in snow sports at a ski area.

3 (m) ~~Asledding~~ "Tubing" means sliding down a prepared course on inflatable tubes, sleds,
4 toboggans, minibobs, ski bikes, or comparable devices.

****NOTE: The term "snow-making equipment" seems self-evident. Do you think
a definition is necessary? Definition includes all components of so we think it should be included

5 (n) "Snow sport" means skiing, sledding-tubing, or freestyling.

****NOTE: I did not define "trail" because the concepts contained in the proposed
definition are found elsewhere in this draft.

6 (o) "Tree skiing area" means an area open to skiing, that is not groomed for
7 skiing, and that is forested.

8 (p) "Snowmaking equipment" includes pipes, hoses, hydrants, snow guns, fans, wands, pumps,
and all other equipment associated with making snow.

9 (2) CONDITIONS AND RISKS OF SNOW SPORTS. For purposes of this section,
conditions and risks consist of all of the following:

10 (a) Changes in weather or visibility.

11 (b) The presence of surface or subsurface conditions, including any of the
12 following:

13 1. Snow, ice, crust, slush, water, puddles, soft spots, ridges, rollers, holes, grooves, cuts, bare spots,
14 rocks, boulders, terrain features, or tracks from ski area vehicles.

****NOTE: I took out the terms "rollers" because I could not find a standard
dictionary meaning that defines this term as related to skiing or terrain. Conversely, do
you want to include mogul in this list? "Rollers" is a common vernacular within the industry

15 2. Forest growth or debris, including stumps, logs, or brush.

16 (c) Variations in the difficulty of terrain, surface conditions, or subsurface

17 conditions on a single trail or terrain or among trails or terrains that are designated

18 the same level of difficulty at the ski area or at another ski area.

19 (d) The risk of injury or death on trails and terrains that fall away or drop off

20 toward hazards.

1 (e) The risk of collision with other participants in snow sports. employees of a
2 ski area operator, ski area infrastructure, or ski area vehicles, whether padded or unpadded or
3 flagged or non-flagged or otherwise without warnings.

3 (f) Variation in the location, construction, configuration, or steepness of trails
4 or terrains.

5 (g) The greater risk of collision, injury, or death in tree skiing areas, in areas
6 where competitions are held, and in areas where freestyling is allowed.

****NOTE: I did not include the last item in the conditions and risks that appears
in the predrafted materials. I do not think that a participant in a snow sport can be
assumed to accept a risk that is not specified anywhere.

now [(h) Ridges, sharp corners, bumps, moguls, valleys, rollers, dips, cliffs, ravines, double fall lines,
snow conditions, ice, slush, puddles.

7 (3) DUTIES OF SKI AREA OPERATORS; SIGNAGE; NOTICE. (a) *Notice on tickets*
8 *required.* Each ski area operator shall print on each ticket or season pass that it
9 issues to participants in snow sports the following warning:

10 AWARNING: Under Wisconsin law, each participant in a snow sport assumes
11 the risk of injury or death to person or injury to property resulting from the
12 conditions and risks that are considered to be inherent in a snow sport, has a number
13 of duties that must be met while engaging in a snow sport, and is subject to
14 limitations on the ability to recover damages from a ski area operator for injuries or
15 death to a person or to property. A complete copy of this law is available for review
16 at the main site where tickets to this ski area are sold.@

17 (b) *Signs required; generally.* Each ski area operator shall post and maintain
18 a sign that is at least ¹⁰ ~~6 feet by 6 feet~~ 6 square feet in size at or near each of the sites where tickets
19 to the ski area are sold, at or near each of the entrances or ski lift loading areas for
20 areas that are open to snow sports, and at or near each area open to sledding which
21 is not served by a ski lift. The sign shall contain the following warning:

22 A WARNING C ASSUMPTION OF RISKS: Under Wisconsin law, each
23 participant in a snow sport is considered to have accepted and to have knowledge of

1 the risk of injury or death to person or injury to property that may result. Under
2 Wisconsin law, each participant in a snow sport has the duty to take the precautions
3 that are necessary to avoid injury or death to person or injury to property. Wisconsin
4 law sets forth certain other limitations on the liability of ski area operators for
5 injuries or death to person or injury to property. A complete copy of this law is
6 available for review at the main site where tickets to this ski area are sold.®

7 (c) *Copies of law.* Each ski area operator shall post and maintain a current copy
8 of all of the provisions of this section at the main site where tickets to the ski area
9 are sold and shall make a copy of it for any individual upon request.

10 (d) *Signs required; skiing areas.* In addition to the sign required under par. (b),
11 each ski area operator shall post and maintain a sign that is at least ~~6 feet by 6 feet~~ ¹⁰ square feet
12 in size at or near each entrance to a loading area of a ski lift that serves areas open
13 to skiing. The sign shall contain the following warning:

14 A WARNING C DUTIES OF INDIVIDUALS ENGAGED IN SKIING: Under
15 Wisconsin law, each individual engaged in skiing has a duty to do all of the following:

- 16 1. Obey all posted warnings and signs.
- 17 2. Keep off of closed trails and out of closed areas.
- 18 3. Know the range of his or her ability and engage in skiing within that ability.
- 19 4. Assess the difficulty of the trails and terrains that are open to skiing.
- 20 5. Maintain control of his or her speed and direction.
- 21 6. Be able to stop or avoid other individuals or objects.
- 22 7. Yield to other individuals engaged in skiing who are ahead ~~on a trail~~ ^{OK as is} or who
23 are down the slope.
- 24 8. Not stop at a point that will result in the individual obstructing a trail or not
25 being visible from above.

1 9. Yield to other individuals engaged in skiing who are uphill when starting
2 downhill or merging onto a trail.

3 10. Be able to safely board, ride, and disembark any ski lift serving an area open
4 to skiing.

5 11. Board and disembark a ski lift only at designated sites.®

6 (e) *Signs required; ~~sledding~~ tubing areas.* In addition to the sign required under par.

7 (b), each ski area operator shall post and maintain a sign that is at least 6 feet by 6 square feet
8 feet in size at or near each entrance to a loading area of a ski lift that serves areas
9 open to ~~sledding~~ tubing or at or near an entrance of an area open to ~~sledding~~ tubing that is not
10 served by a ski lift. The sign shall contain the following warning:

11 A WARNING C DUTIES OF INDIVIDUALS ENGAGED IN ~~SLEDDING~~ TUBING:

12 Under Wisconsin law, each individual engaged in sledding has a duty to do all of the
13 following:

14 1. Obey all posted warnings and signs.

15 2. Keep out of closed areas.

16 3. Know the range of his or her ability and engage in ~~sledding~~ tubing within that
17 ability.

18 4. Assess the difficulty of the terrain that is open to ~~sledding~~ tubing.

19 5. Maintain control of the speed and direction of the sled, tube, or other device
20 that is being used.

21 6. Comply with any posted limits imposed on the number of passengers or on
22 the amount of weight of the ~~sled~~, tube, or other device while it is being ridden.

23 7. Be able to safely board, ride, and disembark any ski lift serving an area open
24 to ~~sledding~~ tubing.

25 8. Board and disembark a ~~ski~~ tube lift only at designated sites.®

 9. Yield to tubes or individuals ahead or downhill from you on the slope.



10. Leave the run-out area of the hill by looking uphill and yielding to on-coming tubes.

1 (f) *Signs required; trails and terrains.* Each ski area operator shall determine
2 the difficulty level of each designated trail located in its ski area. The ski area operator shall post
3 and maintain a sign at or near the beginning of each designated trail. The sign shall contain the
4 name of the trail and all of the applicable ~~wording~~ word(s) and emblem(s) to describe the
5 difficulty level of the trail or terrain. The sign shall be at least 6 feet by 6 feet in size ⁴ square feet
6 if the ski area is 150 acres or more in size, and shall be at least 3 feet by 3 feet 3 square feet in size
7 if the ski area is less than 150 acres in size. Each sign shall contain one or more of
8 the following designations that are applicable:

- 9 1. The word *Aeasiest*@ with an emblem consisting of a green circle.
- 10 2. The words *Adifficult*@ or *Amore difficult*@ with an emblem consisting of a blue
11 square.
- 12 3. The words *Amost difficult*@ with an emblem consisting of a black diamond.
- 13 4. The word *Aexpert*@ or *Aextreme*@ with an emblem consisting of 2 black
14 diamonds.
- 15 5. The words *Afreestyling area ahead*@ with an emblem consisting of an orange
16 oval.
- 17 6. The words *Atree skiing C caution.*@ The sign shall have an orange
18 background or orange lettering with a black or white background and shall contain
19 the additional statement: *AThis back country trail is not groomed or patrolled C*
20 *Never ski here alone.*@

21 (g) *Areas open to freestyling; signs and barricades required.* A ski area operator
22 shall designate an area as an area limited to for freestyling if it contains man-made ~~or~~
23 natural features such as jumps, ramps, and pipes. A ski area operator shall construct
24 and maintain a barricade with fencing, roping, or similar means at the entrance to
25 such an area. The opening in the barricade may not be wider than 30 feet. The ski

1 area operator shall post and maintain a sign at or near the entrance of the area that
2 is at least ^{10 square feet} ~~3~~ feet by 3 feet in size and that shows the boundaries of the area open to
3 freestyling. The sign shall contain emblems consisting of a stop sign and orange oval.

4 The sign shall contain all of the following:

5 1. The words Afreestyling skills required.@

6 2. The words Ahelmets are recommended@ or Aconsider wearing a helmet.@

7 (h) *Ski lifts; signs required.* For each ski lift that is used by individuals engaged
8 in skiing and that does not serve any trail that is described under par. (g) as Aeasier,@

9 the ski operator shall post and maintain, at or near the loading area for the ski lift

10 a sign that is at least ¹⁰ ~~6 feet by 6 feet~~ square feet in size near or at the entrance of the loading area.

11 The sign shall contain the following warning:

12 AWARNING: This ski lift does not serve any trails that are Aeasier@ (marked
13 with a green circle emblem). All of the trails served by this ski lift are Adifficult@ or
14 Amore difficult@ (marked with a blue square emblem), Amost difficult@ (marked with
15 a black diamond emblem, Aexpert@ or Aextreme terrain@ (marked with an emblem
16 consisting of 2 black diamonds, or Afreestyler terrain ahead@ marked with an orange
17 oval.@

18 (I) *Variation of signs.* 1. In lieu of posting and maintaining each of the separate
19 signs required under par. (b) and par. (d) or (e), a ski area operator may post and

20 maintain a single sign that is at least ~~12 feet by 12 feet~~ ¹⁰ 12 square feet in size and that contains all
21 of the required warnings.

22 2. A ski area operator may vary from the specific wording, size, and location
23 requirements for signs specified under this subsection, but any variation may not
24 preclude a reasonably prudent participant abiding by all of the skier's responsibilities in a snow sport
25 from finding or understanding the contents of the sign.

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1 (4) DUTIES OF SKI AREA OWNERS; OTHER DUTIES. (a) *Maps*. Each ski area operator
2 shall post and maintain a map of the trails and terrains in the ski area that are ~~open~~ designated
3 to for any snow sport at all of the sites where tickets to the ski area are sold. The map
4 shall contain the names of each trail or terrain and a description of the level of
5 difficulty for each trail as determined by the ski area operator under sub. (3) (f). The
6 sign shall be at least 32 square feet in size if the ski area is +50 100 skiable acres or more in size.

****NOTE: This covers trails and terrains open to sledding and freestyling. OK?

****NOTE: Do you want a size requirement for ski areas that are less than 150 acres in size?

7 (b) *Ski area vehicles*. Each ski area operator shall ensure that each ski area
8 vehicle that is present on a trail during the hours in which a ski lift is being operated
9 shall display all of the following:

10 1. A flashing light on or near the top of the ski area vehicle whenever the ski
11 area vehicle's engine is on.

12 2. If the ski area vehicle is an all-terrain vehicle, a snowmobile, or a similarly
13 sized motorized vehicle, a red or orange flag that is at least 40 square inches in size or a flashing
14 light and that is mounted at least 5 feet from the bottom of the tracks or tires.

****NOTE: I deleted the phrase whenever the ski area vehicle is moving because I don't think such a vehicle can move without being turned on.

15 Ski lift inspections. 1. Annually, a ski area operator shall have all of the ski
16 lifts located in its ski area inspected by a qualified ski lift inspector to determine
17 whether the ski lift is in compliance with the rules promulgated under subd. 2.

18 ~~2. The department of safety and professional services shall promulgate rules~~
19 ~~that incorporate the standard published by the American National Standards~~
20 ~~Institute that relates to aerial tramways, aerial lifts, surface lifts, tows, and~~
21 ~~conveyors.~~

1 (d) *Ski lift inspectors.* In order to be a qualified ski lift inspector for purposes
2 of par. (c), an individual shall be either or both of the following:

3 1. An individual authorized by the department of safety and professional
4 services to make inspections of ski lifts pursuant to ch. 101.

5 2. An individual who has knowledge of the requirements of the rules
6 promulgated under par. (c) 2. and of the design and operation of ski lifts and who has
7 one of the following:

8 a. A degree of engineering from a recognized university.

9 b. Experience as an inspector of ski lifts for an insurance company that has
10 provided liability insurance coverage to any ski area.

11 **(5) DUTIES OF INDIVIDUALS ENGAGED IN SNOW SPORTS.** (a) *Safety rules; skiing.*

12 Each individual engaged in skiing at a ski area has a duty to do all the following:

13 1. Obey all posted warnings and signs.

14 2. Keep off of closed trails and out of closed areas.

15 3. Know the range of his or her ability and engage in skiing within that ability.

16 4. Assess the difficulty of the trails and terrains that are open to skiing.

17 5. Maintain control of his or her speed and direction.

18 6. Be able to stop or avoid other individuals or objects.

19 7. Yield to other individuals engaged in skiing who are ahead on a trail or who
20 are down the slope.

21 8. Not stop at a point that will result in the individual obstructing a trail or not
22 being visible from above.

23 9. Yield to other individuals engaged in skiing who are uphill when starting
24 downhill or merging onto a trail.

1 10. Be able to safely board, ride, and disembark any ski lift serving an area open
2 to skiing.

3 11. Board and disembark a ski lift only at designated sites.

4 (b) *Safety rules; ~~sledding tubing~~*. Each individual engaged in sledding at a ski area
5 has a duty to do all of the following:

6 1. Obey all posted signs and warnings.

7 2. Keep out of closed areas.

8 3. Know the range of his or her ability and engage in sledding within that
9 ability.

10 4. Assess the difficulty of terrain that is open to sledding.

11 5. Maintain control of the speed and direction of the sled, tube, or other device
12 that is being used.

13 6. Comply with any posted limits that are imposed on the number of passengers
14 or on the amount of weight of the sled, tube, or other device while it is being ridden.

15 7. Be able to safely board, ride, and disembark a ski lift serving an area open to
16 sledding.

17 8. Board and disembark a ski lift only at designated sites.

9. Yield to tubes or individuals ahead or downhill from you on the slope.

10. Leave the run-out area of the hill by looking uphill and yielding to on-coming tubes.

18 **SECTION 6.** 895.525 (2) of the statutes is amended to read:

19 895.525 (2) DEFINITION. In this section, Arecreational activity@ means any
20 activity undertaken for the purpose of exercise, relaxation or pleasure, including
21 practice or instruction in any such activity. ARecreational activity@ does not include
22 participating in a snow sport at a ski area, as those terms are defined in s. 167.33,
23 but includes hunting, fishing, trapping, camping, bowling, billiards, picnicking,
24 exploring caves, nature study, dancing, bicycling, horseback riding,
25 horseshoe-pitching, bird-watching, motorcycling, operating an all-terrain vehicle,

1 ballooning, curling, throwing darts, hang gliding, hiking, tobogganing, sledding,
2 sleigh riding, snowmobiling, skiing, skating, participation in water sports, weight
3 and fitness training, sight-seeing, rock-climbing, cutting or removing wood,
4 climbing observation towers, animal training, harvesting the products of nature,
5 sport shooting, and sledding or tubing or skiing outside a ski area, as defined in s. 167.33, and
6 any other sport, game or educational activity.

7 **SECTION 7. 895.526 of the statutes is created to read:**

8 **895.526 Participation in a snow sport; restrictions on civil liability,**
9 **assumption of risk.** (1) DEFINITIONS. All definitions in s. 167.33 apply to this
10 section unless the context otherwise requires.

11 **(2) APPRECIATION OF CONDITIONS AND RISK OF PARTICIPATION IN A SNOW SPORT. (a)**
12 Every participant in a snow sport at a ski area ~~accepts~~ is deemed to have accepted the conditions and
13 risks of the snow sport as set forth in s. 167.33 (2).

14 (b) Every participant in a snow sport at a ski area is ~~presumed~~ deemed to have seen and
15 understood signage provided by the ski area operator pursuant to s. 167.33 (3).

16 (c) Every participant in a snow sport at a ski area is deemed to have accepted ~~accepts~~
17 that failure to wear a helmet or wearing a helmet that is improperly sized, fitted, or secured increases
18 the risk of injury or death or the risk of a more severe injury. Every participant in
19 a snow sport at a ski area ~~accepts~~ and is deemed to have accepted that a helmet may not be available
for
20 purchase or for rent at a ski area.

21 **(3) RESPONSIBILITIES OF A PARTICIPANT IN A SNOW SPORT.** Every participant in a
22 snow sport is responsible to do all of the following:

23 (a) Fulfill his or her duties set forth in s. 167.33 (5).

24 (b) Choose whether to wear a helmet while participating in the snow sport. If

*Outside
general rule
inside applies
→ hill
applies*

25 the participant chooses to wear a helmet, he or she has the responsibility to ensure

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1 the helmet is of the correct size and fit and to ensure that it is properly secured while

2 he or she participates in the snow sport.

(3) RELEASE OF LIABILITY. Notwithstanding any other law, in any action brought by a skier against a ski area operator, if the skier has signed a valid release of liability, such release shall be effective so long as it is not ambiguous. Nothing in this section shall be construed as releasing a ski area operator for damages caused by gross negligence or reckless or intentional acts. Any such release shall be binding on a minor (or disabled person) if the release is signed on such person's behalf by a parent, legal guardian, or school, institution or other person authorized by a parent or legal guardian to transport such person to a ski area. Any such release shall also be binding on all other persons for loss of consortium or similar claim.

3 (5) LIMITS ON LIABILITY FOR A SKI AREA OPERATOR. (a) A ski operator who fulfills
4 his or her duties under s. 167.33 (3) and (4) owes no further duty of care to a
5 participant in a snow sport and is not liable for an injury or death that occurs as a
6 result of any condition or risk accepted by the participant under sub. (3). Whether
7 a particular circumstance constitutes a condition or risk of participating in a snow
8 sport is a question of law.

9 (b) A ski operator is not liable for any injury or death that occurs as a result of
10 a collision between any participant in a snow sport and any other participant or any
11 spectator, observer, bystander, pedestrian, or other nonparticipant. The participant or other person
12 involved in the collision may be liable under this paragraph for an injury or death
13 that occurs as a result of the collision.

14 (c) This subsection shall be construed broadly for the benefit of the ski area.

15 (6) EFFECT ON RELATED PROVISION. Nothing in this section affects the limitation
16 of a property owner's liability under s. 895.52.

17 (END)

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2 ski ballet, and any other similar snow sport.

(d) "Freestyle Terrain" means terrain that includes, but is not limited to, terrain parks and terrain
park features such as rails, boxes, jumps, hits, jibs, tabletops, spines, take-off ramps, landings, banks, half-
pipes, picnic tables, logs, pipes, snow cross terrain and features and other constructed or natural features but
does not include moguls bumps or rollers or jumps not build by the ski area operator unless they are within
the designated terrain park area.

3 (e) "Hazard" means any man-made or natural obstacle or hazard. "Hazard"
4 includes ridges, sharp corners, jumps, bumps, moguls, terrain features, snow conditions,
5 valleys, dips, cliffs, ravines, slush, and bodies of water.

6 (f) "Participant" in a snow sport means an individual who is engaged in a snow
7 sport or who is walking or otherwise traveling within a ski area for purposes of
8 engaging in the sport. "Participant" in a snow sport also means an individual who
9 is present at a ski area to observe others engaged in a snow sport or who is a
10 passenger on a ski lift. "Participant" in a snow sport includes individuals that
11 are employees of a ski area operator, who are outside the scope of their employment. ✓

12 (g) "Ski area" means trails, terrains, and other areas that are used by
13 individuals engaged in snow sports and that is administered as a single enterprise
14 by a ski area operator.

15 (h) "Ski area infrastructure" means ski lifts and any associated components,
16 snowmaking equipment and any associated components, and buildings, utility infrastructure,
17 huts, fences, signs, lift mazes, or other structures located within a ski area. ✓

18 (i) "Ski area operator" means a person that owns or is responsible for operating
19 a ski area or its affiliates. "Ski area operator" includes the employees and agents of
20 a ski area operator.

no
covered
by (2)
(a) 1

21 (j) "Ski area vehicle" means a motorized vehicle or machine used in the
22 operation and maintenance of a ski area or used as transportation within a ski area.
23 (k) "Skiing" means downhill and alpine skiing, nordic skiing, cross-country skiing, telemarking,
or
24 snowshoeing. Skiing also includes sledding, tobogganing, ski skaters, ski bikes, and the use of
25 other comparable devices.

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1 (L) "Ski lift" means any aerial tramway or lift, a surface lift, a tow, or a conveyor
2 used by a ski area operator to transport participants in snow sports at a ski area.

3 (m) ~~As Sledding~~ "Tubing" means sliding down a prepared course on inflatable tubes, ~~sleds,~~
4 ~~toboggans,~~ minibobs, ~~ski bikes,~~ or comparable devices.

****NOTE: The term "snow-making equipment" seems self-evident. Do you think
a definition is necessary? Definition includes all components of so we think it should be included

5 (n) "Snow sport" means skiing, ~~sledding~~-tubing, or freestyling.

****NOTE: I did not define "trail" because the concepts contained in the proposed
definition are found elsewhere in this draft.

6 (o) "Tree skiing area" means an area open to skiing, that is not groomed for
7 skiing, and that is forested.

(p) "Snowmaking equipment" includes pipes, hoses, hydrants, snow guns, fans, wands, pumps,
and all other equipment associated with making snow.

8 (2) CONDITIONS AND RISKS OF SNOW SPORTS. For purposes of this section,
9 conditions and risks consist of all of the following:

10 (a) Changes in weather or visibility.

11 (b) The presence of surface or subsurface conditions, including any of the
12 following:

13 1. Snow, ice, crust, slush, water, puddles, soft spots, ridges, holes, grooves, cuts, bare spots,

14 rocks, boulders, terrain features, or tracks from ski area vehicles.

****NOTE: I took out the terms "rollers" because I could not find a standard dictionary meaning that defines this term as related to skiing or terrain. Conversely, do you want to include mogul in this list? "Rollers" is a common vernacular within the industry

15 2. Forest growth or debris, including stumps, logs, or brush.

16 (c) Variations in the difficulty of terrain, surface conditions, or subsurface

17 conditions on a single trail or terrain or among trails or terrains that are designated

18 the same level of difficulty at the ski area or at another ski area.

19 (d) The risk of injury or death on trails and terrains that fall away or drop off

20 toward hazards.

1 (e) The risk of collision with other participants in snow sports. employees of a
2 ski area operator, ski area infrastructure, or ski area vehicles, whether padded or unpadded or
flagged or non-flagged or otherwise without warnings. *no as differently*

3 (f) Variation in the location, construction, configuration, or steepness of trails
4 or terrains.

5 (g) The greater risk of collision, injury, or death in tree skiing areas, in areas
6 where competitions are held, and in areas where freestyling is allowed.

****NOTE: I did not include the last item in the conditions and risks that appears
in the predrafted materials. I do not think that a participant in a snow sport can be
assumed to accept a risk that is not specified anywhere.

(b) 1

(h) Ridges, sharp corners, bumps, moguls, valleys, rollers, dips, cliffs, ravines, double fall lines,
snow conditions, ice, slush, puddles.

7 (3) DUTIES OF SKI AREA OPERATORS; SIGNAGE; NOTICE. (a) *Notice on tickets*
8 *required.* Each ski area operator shall print on each ticket or season pass that it
9 issues to participants in snow sports the following warning:

10 AWARNING: Under Wisconsin law, each participant in a snow sport assumes
11 the risk of injury or death to person or injury to property resulting from the
12 conditions and risks that are considered to be inherent in a snow sport, has a number
13 of duties that must be met while engaging in a snow sport, and is subject to
14 limitations on the ability to recover damages from a ski area operator for injuries or
15 death to a person or to property. A complete copy of this law is available for review
16 at the main site where tickets to this ski area are sold.®

17 (b) *Signs required; generally.* Each ski area operator shall post and maintain
18 a sign that is at least ~~6 feet by 6 feet~~ 6 square feet in size at or near each of the sites where tickets
19 to the ski area are sold, at or near each of the entrances or ski lift loading areas for
20 areas that are open to snow sports, and at or near each area open to sledding which

21 is not served by a ski lift. The sign shall contain the following warning:

22 A WARNING C ASSUMPTION OF RISKS: Under Wisconsin law, each

23 participant in a snow sport is considered to have accepted and to have knowledge of

1 the risk of injury or death to person or injury to property that may result. Under
2 Wisconsin law, each participant in a snow sport has the duty to take the precautions
3 that are necessary to avoid injury or death to person or injury to property. Wisconsin
4 law sets forth certain other limitations on the liability of ski area operators for
5 injuries or death to person or injury to property. A complete copy of this law is
6 available for review at the main site where tickets to this ski area are sold.@

7 (c) *Copies of law.* Each ski area operator shall post and maintain a current copy
8 of all of the provisions of this section at the main site where tickets to the ski area
9 are sold and shall make a copy of it for any individual upon request.

10 (d) *Signs required; skiing areas.* In addition to the sign required under par. (b),
11 each ski area operator shall post and maintain a sign that is at least ~~6 feet by 6 feet~~ 6 square feet
12 in size at or near each entrance to a loading area of a ski lift that serves areas open
13 to skiing. The sign shall contain the following warning:

14 AWARNING C DUTIES OF INDIVIDUALS ENGAGED IN SKIING: Under
15 Wisconsin law, each individual engaged in skiing has a duty to do all of the following:

- 16 1. Obey all posted warnings and signs.
- 17 2. Keep off of closed trails and out of closed areas.
- 18 3. Know the range of his or her ability and engage in skiing within that ability.
- 19 4. Assess the difficulty of the trails and terrains that are open to skiing.
- 20 5. Maintain control of his or her speed and direction.
- 21 6. Be able to stop or avoid other individuals or objects.
- 22 7. Yield to other individuals engaged in skiing who are ahead ~~on a trail~~ or who
23 are down the slope.
- 24 8. Not stop at a point that will result in the individual obstructing a trail or not

25 being visible from above.

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1 9. Yield to other individuals engaged in skiing who are uphill when starting
2 downhill or merging onto a trail.

3 10. Be able to safely board, ride, and disembark any ski lift serving an area open
4 to skiing.

5 11. Board and disembark a ski lift only at designated sites.®

6 (e) *Signs required; ~~sledding~~ tubing areas.* In addition to the sign required under par.

7 (b), each ski area operator shall post and maintain a sign that is at least ~~6 feet by 6~~ 6 square feet
8 ~~feet~~ in size at or near each entrance to a loading area of a ski lift that serves areas
9 open to ~~sledding~~ tubing or at or near an entrance of an area open to ~~sledding~~ tubing that is not
10 served by a ski lift. The sign shall contain the following warning:

11 AWARNING C DUTIES OF INDIVIDUALS ENGAGED IN ~~SLEDDING~~ TUBING:

12 Under Wisconsin law, each individual engaged in sledding has a duty to do all of the
13 following:

14 1. Obey all posted warnings and signs.

15 2. Keep out of closed areas.

16 3. Know the range of his or her ability and engage in ~~sledding~~ tubing within that
17 ability.

18 4. Assess the difficulty of the terrain that is open to ~~sledding~~ tubing.

19 5. Maintain control of the speed and direction of the sled, tube, or other device
20 that is being used.

21 6. Comply with any posted limits imposed on the number of passengers or on
22 the amount of weight of the ~~sled~~, tube, or other device while it is being ridden.

23 7. Be able to safely board, ride, and disembark any ski lift serving an area open
24 to ~~sledding~~ tubing.

8. Board and deboard a ~~ski~~ tube lift only at designated sites. @
9. Yield to tubes or individuals ahead or downhill from you on the slope.
10. Leave the run-out area of the hill by looking uphill and yielding to on-coming tubes.

1 (f) *Signs required; trails and terrains.* Each ski area operator shall determine
2 the difficulty level of each designated trail located in its ski area. The ski area operator shall post
3 and maintain a sign at or near the beginning of each designated trail. The sign shall contain the
4 name of the trail and all of the applicable ~~wording~~ word(s) and emblem(s) to describe the
5 difficulty level of the trail or terrain. The sign shall be at least ~~6 feet by 6 feet in size~~⁴ square feet
6 if the ski area is 150 acres or more in size, and shall be at least ~~3 feet by 3 feet~~ 3 square feet in size
7 if the ski area is less than 150 acres in size. Each sign shall contain one or more of

8 the following designations that are applicable:

- 9 1. The word Aeasiest@ with an emblem consisting of a green circle.
- 10 2. The words Adifficult@ or Amore difficult@ with an emblem consisting of a blue
11 square.
- 12 3. The words Amost difficult@ with an emblem consisting of a black diamond.
- 13 4. The word Aexpert@ or Aextreme@ with an emblem consisting of 2 black
14 diamonds.
- 15 5. The words Afreestyling area ahead@ with an emblem consisting of an orange
16 oval.
- 17 6. The words Atree skiing C caution.@ The sign shall have an orange
18 background or orange lettering with a black or white background and shall contain
19 the additional statement: AThis back country trail is not groomed or patrolled C
20 Never ski here alone.@

21 (g) *Areas open to freestyling; signs and barricades required.* A ski area operator
22 shall designate an area as an area ~~limited to~~ for freestyling if it contains man-made or
23 natural features such as jumps, ramps, and pipes. A ski area operator shall construct
24 and maintain a barricade with fencing, roping, or similar means at the entrance to

25 such an area. The opening in the barricade may not be wider than 30 feet. The ski

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1 area operator shall post and maintain a sign at or near the entrance of the area that
2 is at least 3 feet by 3 feet in size and that shows the boundaries of the area open to
3 freestyling. The sign shall contain emblems consisting of a stop sign and orange oval.
4 The sign shall contain all of the following:

5 1. The words Afreestyling skills required.@

6 2. The words Ahelmets are recommended@ or Aconsider wearing a helmet.@

7 (h) *Ski lifts; signs required.* For each ski lift that is used by individuals engaged
8 in skiing and that does not serve any trail that is described under par. (g) as Aeasier,@
9 the ski operator shall post and maintain, at or near the loading area for the ski lift
10 a sign that is at least ~~6 feet by 6 feet~~ 6 square feet in size near or at the entrance of the loading area.
11 The sign shall contain the following warning:

12 AWARNING: This ski lift does not serve any trails that are Aeasier@ (marked
13 with a green circle emblem). All of the trails served by this ski lift are Adifficult@ or
14 Amore difficult@ (marked with a blue square emblem), Amost difficult@ (marked with
15 a black diamond emblem, Aexpert@ or Aextreme terrain@ (marked with an emblem
16 consisting of 2 black diamonds, or Afreestyler terrain ahead@ marked with an orange
17 oval.@

18 (I) *Variation of signs.* 1. In lieu of posting and maintaining each of the separate
19 signs required under par. (b) and par. (d) or (e), a ski area operator may post and
20 maintain a single sign that is at least ~~12 feet by 12 feet~~ 12 square feet in size and that contains all
21 of the required warnings.

22 2. A ski area operator may vary from the specific wording, size, and location
23 requirements for signs specified under this subsection, but any variation may not

24 preclude a reasonably prudent participant abiding by all of the skier's responsibilities in a snow sport
25 from finding or understanding the contents of the sign.

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1 (4) DUTIES OF SKI AREA OWNERS; OTHER DUTIES. (a) *Maps*. Each ski area operator
2 shall post and maintain a map of the trails and terrains in the ski area that are ~~open~~ designated
3 ~~to~~ for any snow sport at all of the sites where tickets to the ski area are sold. The map
4 shall contain the names of each trail or terrain and a description of the level of
5 difficulty for each trail as determined by the ski area operator under sub. (3) (f). The
6 sign shall be at least 32 square feet in size if the ski area is ~~450~~ 100 skiable acres or more in size.

****NOTE: This covers trails and terrains open to sledding and freestyling. OK?

****NOTE: Do you want a size requirement for ski areas that are less than 150 acres
in size?

7 (b) *Ski area vehicles*. Each ski area operator shall ensure that each ski area
8 vehicle that is present on a trail during the hours in which a ski lift is being operated
9 shall display all of the following:

- 10 1. A flashing light on or near the top of the ski area vehicle whenever the ski
11 area vehicle's engine is on.
- 12 2. If the ski area vehicle is an all-terrain vehicle, a snowmobile, or a similarly
13 sized motorized vehicle, a red or orange flag that is at least 40 square inches in size or a flashing
14 light and that is mounted at least 5 feet from the bottom of the tracks or tires.

****NOTE: I deleted the phrase whenever the ski area vehicle is moving because I
don't think such a vehicle can move without being turned on.

15 Ski lift inspections. 1. Annually, a ski area operator shall have all of the ski
16 lifts located in its ski area inspected by a qualified ski lift inspector to determine
17 whether the ski lift is in compliance with the rules promulgated under subd. 2.

18 ~~2. The department of safety and professional services shall promulgate rules~~
19 ~~that incorporate the standard published by the American National Standards~~

20 ~~Institute that relates to aerial tramways, aerial lifts, surface lifts, tows, and~~
21 ~~conveyors.~~

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1 (d) *Ski lift inspectors.* In order to be a qualified ski lift inspector for purposes
2 of par. (c), an individual shall be either or both of the following:

3 1. An individual authorized by the department of safety and professional
4 services to make inspections of ski lifts pursuant to ch. 101.

5 2. An individual who has knowledge of the requirements of the rules
6 promulgated under par. (c) 2. and of the design and operation of ski lifts and who has
7 one of the following:

8 a. A degree of engineering from a recognized university.

9 b. Experience as an inspector of ski lifts for an insurance company that has
10 provided liability insurance coverage to any ski area.

11 (5) DUTIES OF INDIVIDUALS ENGAGED IN SNOW SPORTS. (a) *Safety rules; skiing.*

12 Each individual engaged in skiing at a ski area has a duty to do all the following:

13 1. Obey all posted warnings and signs.

14 2. Keep off of closed trails and out of closed areas.

15 3. Know the range of his or her ability and engage in skiing within that ability.

16 4. Assess the difficulty of the trails and terrains that are open to skiing.

17 5. Maintain control of his or her speed and direction.

18 6. Be able to stop or avoid other individuals or objects.

19 7. Yield to other individuals engaged in skiing who are ahead on a trail or who
20 are down the slope.

21 8. Not stop at a point that will result in the individual obstructing a trail or not
22 being visible from above.

23 9. Yield to other individuals engaged in skiing who are uphill when starting

24 downhill or merging onto a trail.

- 1 10. Be able to safely board, ride, and disembark any ski lift serving an area open
- 2 to skiing.
- 3 11. Board and disembark a ski lift only at designated sites.
- 4 (b) *Safety rules; ~~sledding~~ tubing.* Each individual engaged in sledding at a ski area
- 5 has a duty to do all of the following:
- 6 1. Obey all posted signs and warnings.
- 7 2. Keep out of closed areas.
- 8 3. Know the range of his or her ability and engage in sledding within that
- 9 ability.
- 10 4. Assess the difficulty of terrain that is open to sledding.
- 11 5. Maintain control of the speed and direction of the sled, tube, or other device
- 12 that is being used.
- 13 6. Comply with any posted limits that are imposed on the number of passengers
- 14 or on the amount of weight of the sled, tube, or other device while it is being ridden.
- 15 7. Be able to safely board, ride, and disembark a ski lift serving an area open to
- 16 sledding.
- 17 8. Board and disembark a ski lift only at designated sites.
9. Yield to tubes or individuals ahead or downhill from you on the slope.
10. Leave the run-out area of the hill by looking uphill and yielding to on-coming tubes.

18 **SECTION 6. 895.525 (2)** of the statutes is amended to read:

19 **895.525 (2) DEFINITION.** In this section, Arecreational activity@ means any
20 activity undertaken for the purpose of exercise, relaxation or pleasure, including
21 practice or instruction in any such activity. ARecreational activity@ does not include
22 participating in a snow sport at a ski area, as those terms are defined in s. 167.33,
23 but includes hunting, fishing, trapping, camping, bowling, billiards, picnicking,
24 exploring caves, nature study, dancing, bicycling, horseback riding,
25 horseshoe-pitching, bird-watching, motorcycling, operating an all-terrain vehicle,

1 ballooning, curling, throwing darts, hang gliding, hiking, tobogganing, sledding,
2 sleigh riding, snowmobiling, skiing, skating, participation in water sports, weight
3 and fitness training, sight-seeing, rock-climbing, cutting or removing wood,
4 climbing observation towers, animal training, harvesting the products of nature,
5 sport shooting, and sledding or tubing or skiing outside a ski area, as defined in s. 167.33, and
6 any other sport, game or educational activity.

7 **SECTION 7.** 895.526 of the statutes is created to read:

8 **895.526 Participation in a snow sport; restrictions on civil liability,**
9 **assumption of risk.** (1) DEFINITIONS. All definitions in s. 167.33 apply to this
10 section unless the context otherwise requires.

11 **(2) APPRECIATION OF CONDITIONS AND RISK OF PARTICIPATION IN A SNOW SPORT.** (a)
12 Every participant in a snow sport at a ski area ~~accepts~~ is deemed to have accepted the conditions and
13 risks of the snow sport as set forth in s. 167.33 (2).

14 (b) Every participant in a snow sport at a ski area is ~~presumed~~ deemed to have seen and
15 understood signage provided by the ski area operator pursuant to s. 167.33 (3).

16 (c) Every participant in a snow sport at a ski area is deemed to have accepted ~~accepts~~
17 that failure to wear a helmet or wearing a helmet that is improperly sized, fitted, or secured increases
18 the risk of injury or death or the risk of a more severe injury. Every participant in
19 a snow sport at a ski area ~~accepts~~ and is deemed to have accepted that a helmet may not be available
for
20 purchase or for rent at a ski area.

21 **(3) RESPONSIBILITIES OF A PARTICIPANT IN A SNOW SPORT.** Every participant in a
22 snow sport is responsible to do all of the following:

23 (a) Fulfill his or her duties set forth in s. 167.33 (5).

24 (b) Choose whether to wear a helmet while participating in the snow sport. If
25 the participant chooses to wear a helmet, he or she has the responsibility to ensure

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1 the helmet is of the correct size and fit and to ensure that it is properly secured while
2 he or she participates in the snow sport.

(3) RELEASE OF LIABILITY. Notwithstanding any other law, in any action brought by a skier against a ski area operator, if the skier has signed a valid release of liability, such release shall be effective so long as it is not ambiguous. Nothing in this section shall be construed as releasing a ski area operator for damages caused by gross negligence or reckless or intentional acts. Any such release shall be binding on a minor (or disabled person) if the release is signed on such person's behalf by a parent, legal guardian, or school, institution or other person authorized by a parent or legal guardian to transport such person to a ski area. Any such release shall also be binding on all other persons for loss of consortium or similar claim.

3 (5) LIMITS ON LIABILITY FOR A SKI AREA OPERATOR. (a) A ski operator who fulfills
4 his or her duties under s. 167.33 (3) and (4) owes no further duty of care to a
5 participant in a snow sport and is not liable for an injury or death that occurs as a
6 result of any condition or risk accepted by the participant under sub. (3). Whether
7 a particular circumstance constitutes a condition or risk of participating in a snow
8 sport is a question of law.

9 (b) A ski operator is not liable for any injury or death that occurs as a result of
10 a collision between any participant in a snow sport and any other participant or any
11 spectator, observer, bystander, pedestrian, or other nonparticipant. The participant or other person
12 involved in the collision may be liable under this paragraph for an injury or death
13 that occurs as a result of the collision.

14 (c) This subsection shall be construed broadly for the benefit of the ski area.

15 (6) EFFECT ON RELATED PROVISION. Nothing in this section affects the limitation

16 of a property owner=s liability under s. 895.52.

17

(END)



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D-Note

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to amend* 101.12 (1) (c), 101.19 (1) (b), 101.981 (1) (c) and 895.525 (2);
2 and *to create* 101.19 (1) (bm), 167.33 and 895.526 of the statutes; **relating to:**
3 duties of ski area operators and participants in snow sports, liability of ski area
4 operators, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

← INS ANL

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

(f) ✓

5 SECTION 1. 101.12 (1) (c) of the statutes is amended to read:

6 101.12 (1) (c) Elevators, escalators, ~~ski lift and towing devices~~ (ski lifts, as
7 defined in s. 167.33 (1) (a), and power dumbwaiters.

8 SECTION 2. 101.19 (1) (b) of the statutes is amended to read:

9 101.19 (1) (b) The required inspection of boilers, pressure vessels, refrigeration
10 plants, liquefied petroleum gas vessels, anhydrous ammonia tanks and containers,

1 ~~ski lift and towing devices~~, escalators, dumbwaiters, and amusement or thrill rides
2 but not of amusement attractions.

3 **SECTION 3.** 101.19 (1) (bm) of the statutes is created to read:

4 101.19 (1) (bm) The inspection by the department of ~~ski~~ lifts, as defined in s.
5 167.33 (1) ~~(a)~~.

6 **SECTION 4.** 101.981 (1) (c) of the statutes, as affected by 2011 Wisconsin Act 32,
7 is amended to read:

8 101.981 (1) (c) "Conveyance" means an elevator, an escalator, a dumbwaiter,
9 a belt manlift, a moving walkway, a platform lift, and a stairway chair lift, and any
10 other similar device, such as an automated people mover, used to elevate or move
11 people or things, as provided in the rules of the department. "Conveyance" does not
12 include a personnel hoist; a material hoist; a grain elevator; a ~~ski lift or towing device~~
13 as defined in s. 167.33 (1) ~~(a)~~ ^(f); an amusement or thrill ride; or a vertical platform lift,
14 inclined platform lift, or a stairway chair lift that serves an individual residential
15 dwelling unit.

16 **SECTION 5.** 167.33 of the statutes is created to read:

17 **167.33 Snow sports. (1) DEFINITIONS.** In this section:

18 (a) "Affiliate" means:

- 19 1. With respect to a partnership, each partner thereof.
20 2. With respect to a limited liability company, each member thereof.
21 3. With respect to a corporation, each officer, director, principal stockholder,
22 and controlling member thereof.

23 (b) "Competition" means any event authorized by a ski area operator, or by an
24 agent of a ski area operator, that involves a comparison of skills used in one or more
25 snow sports. "Competition" includes training sessions for such an event.

← INSERT
2-25

1 (d) ~~(a)~~ ^{mogul} ~~(c)~~ "Freestyling" means mogul jumping, ^{mogule skiing,} ski jumping, aerial skiing, ski cross,
2 ski ballet, and any other similar snow sport.

3 ~~(e)~~ ⁽²⁾ ~~(d)~~ "Hazard" means any man-made or natural obstacle or hazard. "Hazard"
4 includes ^{down} ridges, sharp corners, jumps, bumps, moguls, valleys, dips, cliffs, ravines,
5 and ^{lower} bodies of water. ^{XXXXX material from p. 4, lines 1+2}

6 ~~(g)~~ ⁽⁹⁾ ~~(e)~~ "Participant in a snow sport" means an individual who is engaged in a snow
7 sport or who is walking or otherwise traveling within a ski area for purposes of
8 engaging in the sport. "Participant in a snow sport" also means an individual who
9 is present at a ski area to observe others engaged in a snow sport or who is a
10 passenger on a ski lift. "Participant in a snow sport" ^{includes an} does not include individuals that
11 ^{is an} are employees of a ski area operator ^{when he or she is acting out the scope of his or her employment.}

12 ~~(h)~~ ⁽¹⁾ ~~(d)~~ "Ski area" means trails, terrains, and other areas that are used by
13 individuals engaged in snow sports and that is administered as a single enterprise
14 by a ski area operator.

15 ~~(i)~~ ⁽²⁾ ~~(g)~~ "Ski area infrastructure" means ^(ski) lifts and any associated components, ^{utility structures, signs, lift mazes, mazes}
16 snowmaking equipment and any associated components, and buildings, huts, fences,
17 or other structures located within a ski area.

18 ~~(k)~~ ⁽²⁾ ~~(h)~~ "Ski area operator" means a person that owns or is responsible for operating
19 a ski area or its affiliates. "Ski area operator" includes the employees and agents of
20 a ski area operator.

21 ~~(l)~~ ^(k) ~~(i)~~ "Ski area vehicle" means a motorized vehicle ^(or machine) used in the
22 operation and maintenance of a ski area or used as transportation within a ski area.

23 ~~(m)~~ ^(j) ~~(j)~~ "Skiing" means ^{downhill skiing, alpine skiing} (nordic skiing, cross-country skiing, telemarking, or
24 snowshoeing.

move

(f)

(k) "Ski lift" means any aerial tramway or lift, a surface lift, a tow, or a conveyor used by a ski area operator to transport participants in snow sports at a ski area. p. 3

(m) (b) "Sledding" means sliding down a prepared course on inflatable tubes, sleds, toboggans, minibobs, ski bikes, or comparable devices. "Sledding" excludes tubing. more to xxx on

****NOTE: The term "snow-making equipment" seems self-evident. Do you think a definition is necessary?

tubing,

INSERT 4-4

(o) (m) (m) "Snow sport" means skiing, sledding, or freestyling.

****NOTE: I did not define "trail" because the concepts contained in the proposed definition are found elsewhere in this draft.

(p) (b) (h) "Tree skiing area" means an area open to skiing, that is not groomed for skiing, and that is forested.

(d) "Tubing" means sliding down a prepared course on inflatable tubes.

(2) CONDITIONS AND RISKS OF SNOW SPORTS. For purposes of this section, conditions and risks consist of all of the following:

(a) Changes in weather or visibility.

(b) The presence of surface or subsurface conditions, including any of the following:

1. Snow, ice, crust, slush, water, soft spots, ridges, holes, grooves, bare spots, cuts, rocks, boulders, or tracks from ski area vehicles. minibobs, or comparable devices

****NOTE: I took out the terms "rollers" because I could not find a standard dictionary meaning that defines this term as related to skiing or terrain. Conversely, do you want to include mogul in this list?

2. Forest growth or debris, including stumps, logs, or brush.

(d) (e) Variations in the difficulty of terrain, surface conditions, or subsurface conditions on a single trail or terrain or among trails or terrains that are designated the same level of difficulty at the ski area or at another ski area.

(e) (d) The risk of injury or death on trails and terrains that fall away or drop off toward hazards. rollers

(c) sharp corners, bumps, moguls, valleys, rollers, dips, cliffs, ravines, and double fall lines

(f) ~~(a)~~ The risk of collision with other participants in snow sports. employees of a ski area operator, ski area infrastructure, or ski area vehicles.

(g) ~~(b)~~ Variation in the location, construction, configuration, or steepness of trails or terrains. tree
hood

(h) ~~(c)~~ The greater risk of collision, injury, or death in ~~tree skiing~~ ^{tree} areas, in areas where competitions are held, and in areas where freestyling is allowed.

****NOTE: I did not include the last item in the conditions and risks that appears in the predrafted materials. I do not think that a participant in a snow sport can be assumed to accept a risk that is not specified anywhere.

(3) DUTIES OF SKI AREA OPERATORS; SIGNAGE; NOTICE. (a) *Notice on tickets required.* Each ski area operator shall print on each ticket or season pass that it issues to participants in snow sports the following warning:

"WARNING: Under Wisconsin law, each participant in a snow sport assumes the risk of injury or death to person or injury to property resulting from the conditions and risks that are considered to be inherent in a snow sport, has a number of duties that must be met while engaging in a snow sport, and is subject to limitations on the ability to recover damages from a ski area operator for injuries or death to a person or to property. A complete copy of this law is available for review at the main site where tickets to this ski area are sold."

(b) *Signs required; generally.* Each ski area operator shall post and maintain a sign that is at least ^{10 square feet} 6 feet by 6 feet in size at or near each of the sites where tickets to the ski area are sold, at or near each of the entrances or ⁴⁰⁻⁵⁰ ski lift loading areas for areas that are open to snow sports, and at or near each area open to sledding ^{or tubing} which is not served by a ^g ski lift. The sign shall contain the following warning:

"WARNING — ASSUMPTION OF RISKS: Under Wisconsin law, each participant in a snow sport is considered to have accepted and to have knowledge of

1 the risk of injury or death to person or injury to property that may result. Under
2 Wisconsin law, each participant in a snow sport has the duty to take the precautions
3 that are necessary to avoid injury or death to person or injury to property. Wisconsin
4 law sets forth certain other limitations on the liability of ski area operators for
5 injuries or death to person or injury to property. A complete copy of this law is
6 available for review at the main site where tickets to this ski area are sold."

7 (c) *Copies of law.* Each ski area operator shall post and maintain a current copy
8 of all of the provisions of this section at the main site where tickets to the ski area
9 are sold and shall make a copy of it for any individual upon request.

10 (d) *Signs required; skiing or sledding areas.* In addition to the sign required under par. (b),
11 each ski area operator shall post and maintain a sign that is at least 6 feet by 6 feet
12 in size at or near each entrance to a loading area of a ski lift that serves areas open
13 to skiing or sledding. The sign shall contain the following warning:

14 "WARNING — DUTIES OF INDIVIDUALS ENGAGED IN SKIING or sledding: Under
15 Wisconsin law, each individual engaged in skiing or sledding has a duty to do all of the following:

- 16 1. Obey all posted warnings and signs.
- 17 2. Keep off of closed trails and out of closed areas.
- 18 3. Know the range of his or her ability and engage in skiing or sledding within that ability.
- 19 4. Assess the difficulty of the trails and terrains that are open to skiing or sledding.
- 20 5. Maintain control of his or her speed and direction.
- 21 6. Be able to stop or avoid other individuals or objects.
- 22 7. Yield to other individuals engaged in skiing or sledding who are ahead on a trail or who
23 are down the slope.
- 24 8. Not stop at a point that will result in the individual obstructing a trail or not
25 being visible from above.

9. Yield to other individuals engaged in skiing^{when} who are uphill when starting downhill or merging onto a trail.

10. Be able to safely board, ride, and disembark any ski lift serving an area open to skiing^{or sledding}

11. Board and disembark a ski lift only at designated sites."

(e) *Signs required; sledding areas.* In addition to the sign required under par.

(b), each ski area operator shall post and maintain a sign that is at least 6 feet by 6 feet in size at or near each entrance to a loading area of a ski lift that serves areas open to sledding or at or near an entrance of an area open to sledding that is not served by a ski lift. The sign shall contain the following warning:

"WARNING — DUTIES OF INDIVIDUALS ENGAGED IN SLEDDING:

Under Wisconsin law, each individual engaged in sledding has a duty to do all of the following:

1. Obey all posted warnings and signs.
2. Keep out of closed areas.
3. Know the range of his or her ability and engage in sledding within that ability.
4. Assess the difficulty of the terrain that is open to sledding.
5. Maintain control of the speed and direction of the sled, tube, or other device that is being used.

6. Comply with any posted limits imposed on the number of passengers or on the amount of weight of the sled, tube, or other device while it is being ridden.

7. Be able to safely board, ride, and disembark any ski lift serving an area open to sledding

8. Board and disembark a ski lift only at designated sites

9. Yield to other individuals engaged in tubing who are ahead or who are down the slope

INSERT 7-25

designate the trails that are open for skiing in its ski area and shall

4 square feet

(f) *Signs required; trails and terrains.* Each ski area operator shall determine the difficulty level of each trail *located in its ski area*. The ski area operator shall post and maintain a sign at or near the beginning of each trail. The sign shall contain the name of the trail and all of the applicable wording and emblems *specified in this paragraph* to describe the difficulty level of the trail or terrain. The sign shall be at least 6 feet by 6 feet in size. *if the ski area is 150 acres or more in size, and shall be at least 3 feet by 3 feet in size if the ski area is less than 150 acres in size.* Each sign shall contain one or more of the following designations that are applicable:

1. The word "easiest" with an emblem consisting of a green circle.
2. The words "difficult" or "more difficult" with an emblem consisting of a blue square.
3. The words "most difficult" with an emblem consisting of a black diamond.
4. The word "expert" or "extreme" with an emblem consisting of 2 black diamonds.
5. The words "freestyle area ahead" with an emblem consisting of an orange oval.
6. The words "tree skiing — caution." The sign shall have an orange background or orange lettering with a black or white background and shall contain the additional statement: "This back country trail is not groomed or patrolled — Never ski here alone."

(g) *Areas open to freestyle; signs and barricades required.* A ski area operator shall designate an area as an area *limited to freestyle* *if it contains* ~~man-made or~~ *natural features such as jumps, ramps, and pipes.* A ski area operator shall construct and maintain a barricade with fencing, roping, or similar means at the entrance to such an area. The opening in the barricade may not be wider than 30 feet. The ski

area operator shall post and maintain a sign at or near the entrance of the area that is at least 3 feet by 3 feet in size and that shows the boundaries of the area open to freestyling. The sign shall contain emblems consisting of a stop sign and orange oval.

The sign shall contain all of the following:

← INSERT 9-4

1. The words "freestyling skills required."

2. The words "helmets are recommended" or "consider wearing a helmet."

(h) ~~Ski lifts~~; signs required. For each ~~ski~~ lift that is used by individuals engaged in skiing and that does not serve any trail that is described under par. (g) as "easier," the ski operator shall post and maintain, at or near the loading area for the ~~ski~~ lift a sign that is at least ~~6 feet by 6 feet~~ ^{10 square} feet in size near or at the entrance of the loading area.

The sign shall contain the following warning:

"WARNING: This ~~ski~~ lift does not serve any trails that are "easier" (marked with a green circle emblem). All of the trails served by this ~~ski~~ lift are "difficult" or "more difficult" (marked with a blue square emblem), "most difficult" (marked with a black diamond emblem), "expert" or "extreme terrain" (marked with an emblem consisting of 2 black diamonds), or "freestyle terrain ahead" (marked with an orange oval)." ^{freestyling}

(i) Variation of signs. 1. In lieu of posting and maintaining each of the separate signs required under par. (b) and par. (d) or (e), a ski area operator may post and maintain a single sign that is at least ^{square} 12 feet ~~by 12 feet~~ in size and that contains all of the required warnings.

2. A ski area operator may vary from the specific wording, size, and location requirements for signs specified under this subsection, but any variation may not preclude a reasonably prudent participant in a snow sport from finding or understanding the contents of the sign.

if the ski area has more
than 3 trails

(4) DUTIES OF SKI AREA OWNERS; OTHER DUTIES. (a) *Maps.* Each ski area operator shall post and maintain a map of the trails and terrains in the ski area that are ~~open~~ *designated for* any snowsport at all of the sites where tickets to the ski area are sold. The map shall contain the names of each trail or terrain and a description of the level of difficulty for each trail as determined by the ski area operator under sub. (3) (f). The sign shall be at least 32 square feet in size ~~if the ski area is 150 acres or more in size.~~

****NOTE: This covers trails and terrains open to sledding and freestyling. OK?

****NOTE: Do you want a size requirement for ski areas that are less than 150 acres in size?

(b) *Ski area vehicles.* Each ski area operator shall ensure that each ski area vehicle that is present on a trail during the hours in which a ~~ski~~ lift is being operated shall display all of the following:

1. A flashing light on or near the top of the ski area vehicle whenever the ski area vehicle's engine is on.

2. If the ski area vehicle is an all-terrain vehicle, a snowmobile, or a similarly sized motorized vehicle, *in addition to the flashing light as specified in subd 1.,* a red or orange flag that is at least 40 square inches in size and that is mounted at least 5 feet from the bottom of the tracks or tires.

****NOTE: I deleted the phrase whenever the ski area vehicle is moving because I don't think such a vehicle can move without being turned on.

(c) *Ski lift inspections.* (1) Annually, a ski area operator shall have all of the ski lifts located in its ski area inspected by a qualified ski lift inspector to determine whether the ski lift is in compliance with the rules promulgated *by the department of safety and professional services* ~~under subd. 2.~~ (2) The department of safety and professional services shall promulgate rules that incorporate the standard published by the American National Standards Institute that relates to aerial tramways, aerial lifts, surface lifts, tows, and conveyors.

(d) ~~Ski~~ lift inspectors. In order to be a qualified ~~ski~~ lift inspector for purposes of par. (c), an individual shall be either or both of the following:

1. An individual authorized by the department of safety and professional services to make inspections of ~~ski~~ lifts pursuant to ch. 101.

2. An individual who has knowledge of the requirements of the rules ~~specified in~~ promulgated under par. (c) ~~(2)~~ and of the design and operation of ~~ski~~ lifts and who has one of the following:

a. A degree of engineering from a recognized university.

b. Experience as an inspector of ~~ski~~ lifts for an insurance company that has provided liability insurance coverage to any ski area. ~~and sledding~~

(5) DUTIES OF INDIVIDUALS ENGAGED IN SNOW SPORTS. (a) ~~Safety rules; skiing~~ or sledding. Each individual engaged in skiing ~~at~~ a ski area has a duty to do all the following:

1. Obey all posted warnings and signs.

2. Keep off of closed trails and out of closed areas.

3. Know the range of his or her ability and engage in skiing ~~within that ability~~ or sledding.

4. Assess the difficulty of the trails and terrains that are open to skiing ~~or sledding~~.

5. Maintain control of his or her speed and direction. ~~or sledding~~

6. Be able to stop or avoid other individuals or objects. ~~or sledding~~

7. Yield to other individuals engaged in skiing ~~who are ahead on a trail~~ or who are down the slope. ~~or sledding~~

8. Not stop at a point that will result in the individual obstructing a trail or not being visible from above. ~~or sledding~~

9. Yield to other individuals engaged in skiing ~~who are uphill when starting~~ downhill or merging onto a trail. ~~or sledding~~

10. Comply with any posted limits that are imposed on the number of passengers or on the amount of weight of the sled or other sledding device while it is being ridden.

1 11. ~~10.~~ Be able to safely board, ride, and disembark any ~~ski~~ lift serving an area open
2 to skiing ^{or sledding}

3 12. ~~11.~~ Board and disembark a ~~ski~~ lift only at designated sites.

4 (b) ~~Safety rules; sledding~~ ^{tubing}. Each individual engaged in ~~sledding~~ ^{tubing} at a ski area
5 has a duty to do all of the following:

6 1. Obey all posted signs and warnings.

7 2. Keep out of closed areas.

8 3. Know the range of his or her ability and engage in ~~sledding~~ ^{tubing} within that
9 ability.

10 4. Assess the difficulty of terrain that is open to ~~sledding~~ ^{tubing}.

11 5. Maintain control of ~~the~~ ^{his or her} speed and direction of the ~~sled~~ ^{tube}, or other device
12 that is being used.

13 6. Comply with any posted limits that are imposed on the number of passengers
14 or on the amount of weight of the ~~sled~~ ^{tube}, or other ~~device~~ ^{tubing} while it is being ridden.

15 7. Be able to safely board, ride, and disembark a ~~ski~~ lift serving an area open to
16 ~~sledding~~ ^{tubing}.

17 8. Board and disembark a ~~ski~~ lift only at designated sites.

18 **SECTION 6.** 895.525 (2) of the statutes is amended to read:

19 895.525 (2) DEFINITION. In this section, "recreational activity" means any
20 activity undertaken for the purpose of exercise, relaxation or pleasure, including
21 practice or instruction in any such activity. "Recreational activity" does not include
22 participating in a snow sport at a ski area, as those terms are defined in s. 167.33,
23 but includes hunting, fishing, trapping, camping, bowling, billiards, picnicking,
24 exploring caves, nature study, dancing, bicycling, horseback riding,
25 horseshoe-pitching, bird-watching, motorcycling, operating an all-terrain vehicle,

← INSERT 12-17

participating in a snow sport

ballooning, curling, throwing darts, hang gliding, hiking, tobogganing, sledding, sleigh riding, snowmobiling, ~~skiing~~, skating, participation in water sports, weight and fitness training, sight-seeing, rock-climbing, cutting or removing wood, climbing observation towers, animal training, harvesting the products of nature, sport shooting, and ~~sledding or skiing~~ outside a ski area, as defined in s. 167.33, and any other sport, game or educational activity.

those terms are

SECTION 7. 895.526 of the statutes is created to read:

895.526 Participation in a snow sport; restrictions on civil liability, assumption of risk. (1) DEFINITIONS. All definitions in s. 167.33 apply to this section unless the context otherwise requires.

(2) APPRECIATION OF CONDITIONS AND RISK OF PARTICIPATION IN A SNOW SPORT. (a) Every participant in a snow sport at a ski area accepts the conditions and risks of the snow sport as set forth in s. 167.33 (2).

(b) Every participant in a snow sport at a ski area is presumed to have seen and understood signage provided by the ski area operator pursuant to s. 167.33 (3).

(c) Every participant in a snow sport at a ski area accepts that failure to wear a helmet or wearing a helmet that is improperly sized, fitted, or secured increases the risk of injury or death or the risk of a more severe injury. Every participant in a snow sport at a ski area accepts that a helmet may not be available for purchase or for rent at a ski area.

Insert 13.20

(3) RESPONSIBILITIES OF A PARTICIPANT IN A SNOW SPORT. Every participant in a snow sport is responsible to do all of the following:

(a) Fulfill his or her duties set forth in s. 167.33 (5).

(b) Choose whether to wear a helmet while participating in the snow sport. If the participant chooses to wear a helmet, he or she has the responsibility to ensure

1 the helmet is of the correct size and fit and to ensure that it is properly secured while
2 he or she participates in the snow sport.

3 *all of* (4) LIMITS ON LIABILITY FOR A SKI AREA OPERATOR (a) A ski operator who fulfills

4 his or her duties under s. 167.33 (3) and (4) owes no further duty of care to a
5 participant in a snow sport and is not liable for an injury or death that occurs as a
6 result of any condition or risk accepted by the participant under sub. (3). Whether (2)
7 a particular circumstance constitutes a condition or risk of participating in a snow
8 sport is a question of law.

9 (b) A ski operator is not liable for any injury or death that occurs as a result of
10 a collision between any participant in a snow sport and any other participant or any
11 spectator, observer, bystander, pedestrian, or other nonparticipant. The participant
12 involved in the collision may be liable ~~under this paragraph~~ for an injury or death
13 that occurs as a result of the collision.

14 (c) This subsection shall be construed broadly.

15 (5) EFFECT ON RELATED PROVISION. Nothing in this section affects the limitation
16 of a property owner's liability under s. 895.52.

17 (END)

with any other
participant or with
a nonparticipant

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2741/PlinsPH
MGG/PJH:kjf:jf

INSERT ANALYSIS:

X Under current law, a participant in a recreational activity, including skiing, sledding, or tobogganing, on a premises that is open to the public for such purposes is deemed to accept the risks inherent in the activity of which an ordinary prudent person is or should be aware. Current law also imposes certain responsibilities on participants in a recreational activity, including the responsibility to act within the limits of his or her ability, heed all warnings regarding participation in the recreational activity, maintain control of his or her self and the equipment he or she is using, and refrain from acting in any manner that may cause or contribute to the death or injury to himself or herself or to other persons while participating in the recreational activity. to

Under current law, if a participant in a recreational activity is injured or killed, his or her own actions may be considered contributory negligence in a civil suit brought against the owners of the premises if the participant failed to comply with any of the responsibilities set forth for participants in the activity.

X Under this bill, the same rules of liability and negligence apply to skiing, sledding, tubing, tobogganing, and other snow sports (snow sports) that takes place outside of a ski area. The bill establishes a different scheme for determining whether the operator of a ski area is liable for injuries sustained by a person who participates in a snow sport at a ski area.

X Under the bill, a participant in a snow sport is deemed to know, and accept, certain risks inherent in the snow sport, such as changes in weather or visibility, the presence of certain snow conditions and difficulties with the terrain, and the risk of collisions, and to accept that the operator of a ski area may not mitigate certain risks by padding items or obstacles within the ski area. A participant is also deemed to acknowledge that his or her decision whether to wear a helmet while participating in the snow sport may contribute to his or her injuries, and that he or she is solely responsible for ensuring that a helmet is properly fitted. Under the bill, a participant's responsibilities when participating in a snow sport include knowing and complying with all safety rules established by the ski area, knowing the limits of his or her abilities, and being able to maintain control of himself or herself and his or her equipment while participating in the snow sport.

X The bill also sets forth several safety requirements for ski area operators and requirements designed to inform participants of the dangers inherent in snow sports and of the responsibilities each participant has for his or her own safety. The requirements include inspection of lifts at the ski area and placing warning signs and informational signs as to the level of difficulty of ski trails.

Under the bill, the operator of a ski area is immune from liability for any injury sustained by a participant in a snow sport or by an observer if the injury was a result of any of the risks accepted by the participant and the operator of the ski area has complied with the requirements.

INSERT PJH 13.20:

X (d) Every participant in a snow sport at a ski area accepts that natural or
X manmade items or obstacles within a ski area, including ski area infrastructure and
ski area vehicles, may be unpadded or not heavily padded and accepts that there may
be a higher risk of injury or death or of a more severe injury associated with a collision
with an item or obstacle that is unpadded or not heavily padded.

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2741/P2ins
MGG:.....

Insert 2-25

(c) "Freestyle features" means man-made features that and include boxes, jumps, hits, jibs, tabletops, spikes, take-off ramps, landings, banks, half pipes, picnic tables, logs, and pipes.

Insert 4-4

(b) "Snowmaking equipment" includes pipes, hoses, hydrants, snow guns, fans, wands, pumps and any other equipment associated with making snow.

Insert 7-25

10. Look uphill and yield to oncoming tubes before leaving the bottom of the hill at the end of a run.

Insert 9-4

(g) *Areas open to freestyling; signs and barricades required.* A ski area operator shall designate an area as an area for freestyling if it contains one or more freestyle features. A ski area operator shall construct and maintain a barricade with fencing, roping, or similar means at the entrance to such an area. The opening in the barricade may not be wider than 30 feet. The ski area operator shall post and maintain a sign at or near the entrance of the area that is at least 3 feet by 3 feet in size and that shows the boundaries of the area open to freestyling. The sign shall contain emblems consisting of a stop sign and orange oval. The sign shall contain all of the following:

Insert 12-17

9. Yield to other individuals engaged in tubing who are ahead or who are down the slope.

- 1 10. Look uphill and yield to oncoming tubes before leaving the bottom of the
- 2 hill at the end of a run.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2741/P2dnMG

MGG: *ef*

Date

freestyle features
freestyle

1. The definition of "freestyle terrain" does not really work in the /P1 version because the term is used only in the signs and what the defined term means would not be displayed on the signs. To make use of this definition, I changed the term to "freestyle terrain" and incorporated it into s. 167.33 (3) (g). As used in the draft, if one of the freestyle features is present, the area must be designated as a freestyle area. Based on the last phrase in the suggested definition of "freestyle terrain," a mogul, bump, or roller is not enough to require an area to be designated as a freestyle area. Therefore, I did not include these terms.

Also, the definition of "freestyle terrain" that was provided includes "constructed and natural" features. However, under s. 167.33 (3) (g), the instructions limit it to man-made features. I made it consistent by not including natural features in the definition of "freestyle features."

2. I did not include "terrain features" in the definition of "hazard" because there must be some "terrain features" that are outside the scope of what is intended to be a "hazard."

3. I did not include "snow conditions" in the definition of "hazard." The defined term "hazard" is used only in s. 167.33 (3) (d) and refers only to hazards that present a hazard to a snow sport participant as he or she moves downhill. I do not think that a terrain or trail can "fall away or drop off" into a "snow condition."

4. A definition should reflect the concept that it is defining. To define "skiing" to include "sledding" is confusing. I, therefore, took "tubing" out of the definition of "sledding" and kept the defined term "sledding" as a separate concept in the draft.

5. I did not include the word "puddle" in s. 167.33 (2) (b) because it would be included in the term "water" which is used in the same provision. *no change*

6. In the listing starting with the term "ridges" in s. 167.33 (2) (c), I did not include the terms "snow conditions, ice, slush, or puddles" because these terms are included in, or covered by, the terms used in s. 167.33 (2) (b).

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2741/P2dn
MGG:kjf:ph

December 2, 2011

1. The definition of "freestyle terrain" does not really work in the /P1 version because the term is used only in the signs and what the defined term means would not be displayed on the signs. To make use of this definition, I changed the term to "freestyle features" and incorporated it into s. 167.33 (3) (g). As used in the draft, if one of the freestyle features is present, the area must be designated as a freestyle area. Based on the last phrase in the suggested definition of "freestyle terrain," a mogul, bump, or roller is not enough to require an area to be designated as a freestyle area. Therefore, I did not include these terms.

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Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Insert
15.23

an

part

An

Release of Liability

15

~~Except in cases of reckless or intentional acts, exculpatory releases of liability are valid and enforceable against adult persons and minors if the minor's release is signed by the minor's parent or legal guardian or other person authorized by a parent or legal guardian to transport said minor to a ski area and to execute a release of liability.~~